

REMARKS

The Office Action mailed December 3, 2008 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Claim Status and Amendment of the Claims

Claims 1-23 are currently pending.

The Applicants gratefully acknowledge the indication of allowance of Claims 24-53.

Claims 54-55 have been amended. The amendment to Claims 54-55 finds support in the specification, figures, and claims as filed.

Claims 1-23 we previously cancelled, without prejudice or disclaimer of the subject matter contained therein.

With this Amendment it is respectfully submitted the claims satisfy the statutory requirements.

The 35 U.S.C. § 112, Second Paragraph Rejection

Claims 54-55 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to comply with the description requirement.¹ Claims 54 and 55 are *In re Beauregard* claims corresponding to allowed method claims 24 and 32, respectively. With this Amendment, Claims 54-55 have been amended to recite in part “[a] computer-readable medium embodying a program of instructions executable by a computer to perform a method, the method comprising ...” Support for these amendments is found in the specification, figures, and claims as originally filed. For example, support is found in paragraph 41 of the specification and reference numeral

¹ Office Action mailed December 3, 2008, ¶ 3.

208 of FIG. 13. Accordingly, the Applicants respectfully request the 35 U.S.C. § 112, Second Paragraph Rejection be withdrawn.

The 35 U.S.C. § 101 Rejection

Claims 54-55 stand rejected under 35 U.S.C. § 101 as allegedly being directed to nonstatutory subject matter.² With this Amendment, Claims 54-55 have been amended to recite in part “[a] computer-readable medium embodying a program of instructions executable by a computer to perform a method, the method comprising ...” Support for these amendments is found in the specification, figures, and claims as originally filed. For example, support is found in paragraph 41 of the specification and reference numeral 208 of FIG. 13. Accordingly, the Applicants respectfully request the 35 U.S.C. § 101 Rejection be withdrawn.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

Allowable Subject Matter

The Examiner is thanked for the kind allowance of Claims 24-53. The Applicants acknowledge the Examiner’s statement of reasons for allowance as set forth in the Office Action. However, the Applicants point out that the reasons for allowability of the above referenced claims are not limited to the reasons for allowance as set forth in the Office Action, and that

² Office Action at ¶ 5.

additional reasons for allowability may exist, each of which may be independently sufficient to establish the patentability of one or more pending claims.

The Applicants respectfully reserve the right to introduce, articulate, or otherwise comment on any such additional reasons for allowance as may be appropriate in any future proceedings concerning the claimed invention.

The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-3557.

Respectfully submitted,

NIXON PEABODY LLP

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